

ORDER GRANTING PETITIONER'S
MOTION TO REOPEN THE TIME TO
FILE AN APPEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TROY DOMINIC MABON, JR.,)	No. C 09-2817 RMW (PR)
)	
Petitioner,)	ORDER GRANTING PETITIONER'S
)	MOTION TO REOPEN THE TIME TO
v.)	FILE AN APPEAL
)	
JOHN W. HARVEY,)	
)	
Respondent.)	
_____)	

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 27, 2011, the court granted respondent's motion to dismiss and entered judgment. Petitioner did not file a notice of appeal.

On July 29, 2011, the court construed a letter sent by petitioner as a motion to reopen the time for appeal. The court found that petitioner had not received notice of the entry of judgment within 21 days after its entry, and that the motion to reopen was filed within 180 days after judgment was entered. In addition, respondent indicated that he would not be prejudiced if the court reopened the time to file an appeal. (Docket No. 23.)

Accordingly, petitioner's motion to reopen the time to file an appeal is GRANTED. If petitioner wishes to appeal the court's dismissal of his petition, petitioner must file his notice of appeal within **14 days** after the entry date of this order. Fed. R. App. P. 4(a)(6).

1 IT IS SO ORDERED.

2 DATED: JECB

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TROY D. MABON,

Plaintiff,

v.

JOHN W. HARVEY et al,

Defendant.

Case Number: CV09-02817 RMW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 23, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Troy Dominic Mabon V-70737
California State Prison-Solano
Bldg/Bed 12-214L
P.O. Box 4000
Vacaville, CA 95696-4000

Dated: September 23, 2011

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk